

Res. 527, a resolution recognizing the 75th anniversary of the opening of the National Gallery of Art.

S. RES. 553

At the request of Mrs. SHAHEEN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 553, a resolution expressing the sense of the Senate on the challenges the conflict in Syria poses to long-term stability and prosperity in Lebanon.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES (for himself, Mr. NELSON, and Ms. KLOBUCHAR):

S. 3402. A bill to protect consumers from deceptive practices with respect to online booking of hotel reservations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DAINES. Mr. President, the travel and tourism industry plays a significant role in the U.S. economy. Travel and tourism contributed over \$480 billion to the U.S. GDP last year. In Montana, tourism is one of our leading industries. Every year, visitors spend over \$3 billion in our state which supports jobs and reduces taxes for Montana residents.

The development of the online marketplace has made it easier than ever for travelers to do research, plan trips, and make reservations online. Online platforms allow customers to compare thousands of brands in one place. As a result, the number of hotel reservations made online has surged over the past several years. There are now up to 480 bookings every minute. As the number of online bookings has increased, there has also been an increase in the number of online booking scams.

Illegitimate reservation sellers pose as hotel websites, leading consumers to believe they are booking directly with the hotel, when in fact they are booking with an unrelated third party. Transactions on these sites can result in additional hidden fees, loss of expected loyalty points, or even confirmation of reservations that were never made. One study found that as many as 15 million bookings a year are affected by fraudulent websites.

That is why I am proud to introduce the Stop Online Booking Scams Act of 2016 with my colleague Senator NELSON. The bill requires third party sites to disclose that they are not affiliated with the hotel, providing clarity and transparency to consumers booking online. It also empowers state attorneys general to pursue cases on behalf of consumers who have been scammed. Providing clear disclosures that reveal the true identity of websites will give confidence to the millions of consumers who make reservations online every year. I ask my colleagues to join me in cosponsoring this much needed legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stop Online Booking Scams Act of 2016”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The Internet has become an important channel of commerce in the United States, accounting for billions of dollars in retail sales every year.

(2) Hotel reservation transactions can be easily made online and online commerce has created a marketplace where consumers can shop for hotels, flights, car rentals, and other travel-related services and products across thousands of brands on a single platform.

(3) Consumers should have the utmost clarity as to the company with which such consumers are transacting business online.

(4) Actions by third party sellers that misappropriate brand identity, trademark, or other marketing content are harmful to consumers.

(5) Platforms offered by online travel agencies provide consumers with a valuable tool for comparative shopping for hotels and should not be mistaken for the unlawful third-party actors that commit such misappropriation.

(6) The misleading and deceptive sales tactics companies use against customers booking hotel rooms online have resulted in the loss of sensitive financial and personal information, financial harm, and headache for consumers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) consumers benefit from the ability to shop for travel-related services and products on the innovative platforms offered by online travel agencies;

(2) sellers on the Internet should provide consumers with clear, accurate information and such sellers should have an opportunity to compete fairly with one another; and

(3) the Federal Trade Commission should revise the Internet website of the Commission to make it easier for consumers and businesses to report complaints of deceptive practices with respect to online booking of hotel reservations.

SEC. 3. DEFINITIONS.

In this Act:

(1) AFFILIATION CONTRACT.—The term “affiliation contract” means, with respect to a hotel, a contract with the owner of the hotel, the entity that manages the hotel, or the franchisor of the hotel to provide online hotel reservation services for the hotel.

(2) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(3) EXHIBITION ORGANIZER OR MEETING PLANNER.—The term “exhibition organizer or meeting planner” means the person responsible for all aspects of planning, promoting, and producing a meeting, conference, event, or exhibition, including overseeing and arranging all hotel reservation plans and contracts for the meeting, conference, event, or exhibition.

(4) OFFICIAL HOUSING BUREAU.—The term “official housing bureau” means the organization designated by an exhibition organizer or meeting planner to provide hotel reservation services for meetings, conferences, events, or exhibitions.

(5) PARTY DIRECTLY AFFILIATED.—The term “party directly affiliated” means, with re-

spect to a hotel, a person who has entered into an affiliation contract with the hotel.

(6) THIRD PARTY ONLINE HOTEL RESERVATION SELLER.—The term “third party online hotel reservation seller” means any person that—

(A) sells any good or service with respect to a hotel in a transaction effected on the Internet; and

(B) is not—

(i) a party directly affiliated with the hotel; or

(ii) an exhibition organizer or meeting planner or the official housing bureau for a meeting, conference, event, or exhibition held at the hotel.

SEC. 4. REQUIREMENTS FOR THIRD PARTY ONLINE HOTEL RESERVATION SELLERS.

(a) IN GENERAL.—It shall be unlawful for a third party online hotel reservation seller to charge or attempt to charge any consumer's credit card, debit card, bank account, or other financial account for any good or service sold in a transaction effected on the Internet with respect to a hotel unless the third party online hotel reservation seller—

(1) clearly and conspicuously discloses to the consumer all material terms of the transaction, including—

(A) before the conclusion of the transaction—

(i) a description of the good or service being offered; and

(ii) the cost of such good or service; and

(B) in a manner that is continuously visible to the consumer throughout the transaction process, the fact that the person is a third party online hotel reservation seller and is not—

(i) affiliated with the person who owns the hotel or provides the hotel services or accommodations; or

(ii) an exhibition organizer or meeting planner or the official housing bureau for a meeting, conference, event, or exhibition held at the hotel; or

(2) includes prominent and continuous disclosure of the brand identity of the third party online hotel reservation seller throughout the transaction process, both online and over the phone.

(b) ENFORCEMENT BY COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) by a person subject to such subsection shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) RULEMAKING.—

(i) IN GENERAL.—The Commission may promulgate such rules as the Commission considers appropriate to enforce this section.

(ii) PROCEDURES.—The Commission shall carry out any rulemaking under clause (i) in accordance with section 553 of title 5, United States Code.

(c) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to subsection (a) in a practice that

violates such subsection, the attorney general of the State may, as *parens patriae*, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (iii), the attorney general of a State shall notify the Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action against a person subject to subsection (a).

(ii) CONTENTS.—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Commission immediately upon instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—The Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1) against a person described in subsection (d)(1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(3) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(4) STATE COORDINATION WITH FEDERAL TRADE COMMISSION.—If the Commission institutes a civil action or an administrative action with respect to a violation of subsection (a), the attorney general of a State shall coordinate with the Commission before bringing a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(5) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(6) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

By Mr. DAINES (for himself and Mrs. CAPITO):

S. 3405. A bill to transfer certain items from the United States Munitions List to the Commerce Control List; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DAINES. Mr. President, for Montanans, gunsmithing goes hand-in-hand with hunting and sport shooting. Sometimes the difference between a successful hunt and an unfulfilled tag can be a needed modification on a rifle. Throughout Montana and across America, hundreds of thousands of gunsmiths make sure that our firearms are setup to our custom specifications. Many of these gunsmiths do so as a side project or hobby, making a little extra income in the process.

Recently, the Directorate of Defense Trade Controls, DDTC, issued guidance that changed the definition of a manufacturer under the International Traffic in Arms Regulations, ITAR, to be so broad that could include these gunsmiths and require them to register as manufacturers, which includes an annual \$2,250 fee. ITAR was intended to control the production and exportation of products essential to our national security, such as those intended only for military use, but not to unnecessarily hinder American business and innovation or undermine the Second Amendment.

That is why I am proud to introduce the Export Control Reform Act of 2016 with my colleague Senator CAPITO. The bill transfers regulatory responsibility for common, domestic firearms and related items from the Department of State to the Commerce Department, to be regulated like any other commercial business—allowing small business to continue to serve hunters and sports shooters.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Export Control Reform Act of 2016”.

SEC. 2. EXPORT CONTROLS ON CERTAIN ITEMS.

(a) IN GENERAL.—Notwithstanding section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) or any other provision of law, all items described in subsection (b) that are on the United States Munitions List and controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778) on the date of the enactment of this Act shall be transferred to the Commerce Control List of dual-use items in the Export Administration Regulations (15 C.F.R. part 730 et seq.).

(b) TRANSFERRED ITEMS.—The items referred to in subsection (a) are the following:

(1) Non-automatic and semi-automatic firearms, including all rifles, carbines, pistols, revolvers and shotguns.

(2) Non-automatic and non-semi-automatic rifles, carbines, revolvers, or pistols of a caliber greater than .50 inches (12.7 mm) up to and including .72 inches (18.0 mm).

(3) Ammunition for such firearms excluding caseless ammunition.

(4) Silencers, mufflers, and sound and flash suppressors.

(5) Rifle scopes.

(6) Barrels, cylinders, receivers (frames), or complete breech mechanisms.

(7) Related components, parts, accessories, attachments, tooling, and equipment for any articles listed in paragraphs (1) through (6).

(c) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act and shall not apply to any export license issued before such effective date or to any export license application made under the United States Munitions List before such effective date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 580—SUPPORTING THE ESTABLISHMENT OF A PRESIDENT'S YOUTH COUNCIL

Mr. BOOKER (for himself and Mr. HATCH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 580

Now, therefore, be it

Resolved, That the Senate—

(1) supports the creation of a Federal youth advisory council, to be known as the Presidential Youth Council (referred to in this Act as the “Council”), to be privately funded, which shall—

(A) advise the President on the creation and implementation of new Federal policies and programs that pertain to and affect American youth;

(B) provide recommendations on ways to make existing policies and programs that pertain to and affect American youth more efficient and effective, through investment from relevant bodies, for delivery of youth services nationwide; and

(C) carry out activities to solicit the unique views and perspectives of young people and bring those views and perspectives to the attention of the head of each department or agency of the Federal Government and Congress, as needed, or on a case-by-case basis; and

(2) recommends that the members of the President's Youth Council be composed of 24 young Americans—

(A) of which—

(i) four members shall be appointed by the President;

(ii) the Speaker of the House of Representatives shall appoint—

(I) if the Speaker belongs to the same political party as the President, 4 members; or

(II) if the Speaker does not belong to the same political party as the President, 6 members;

(iii) the Minority Leader of the House of Representatives shall appoint—

(I) if the Minority Leader belongs to the same political party as the President, 4 members; or

(II) if the Minority Leader does not belong to the same political party as the President, 6 members;

(iv) the Majority Leader of the Senate shall appoint—

(I) if the Majority Leader belongs to the same political party as the President, 4 members; or

(II) if the Majority Leader does not belong to the same political party as the President, 6 members; and